

MITIGATED NEGATIVE DECLARATION

July 13, 2006

Project Name: Robnett Property

Project Number(s): TPM 20726RPL³, Log No. 03-20-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for biological resources, water quality (stormwater), drainage, archaeology (2), cultural resources, fire protection and visual impact.
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. STEEP SLOPE OPEN SPACE EASEMENT

1. Prior to issuance of grading or construction permits or on the Final Map (or Parcel Map), whichever comes first, the applicant shall:

Grant to the County of San Diego an open space easement over portions of Parcels 1, 2, 3, 4, and the Remainder Parcel as shown on the Open Space Map for Steep Slopes dated May 9, 2006. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Some, but not all, of this open space area will be co-terminus with the Open Space Easement for biological resources, as shown in the exhibit dated May 2, 2006. In the co-terminus areas, the more restrictive provisions will apply.

The only exceptions applying to prohibitions within the open space easement areas dedicated solely to steep slopes are as follows:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The

following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.

- c. Construction, use, and maintenance of wells and septic systems, on Parcels 1, 2, 3, 4 and the Remainder Parcel, to the satisfaction of the Department of Environmental Health.
- d. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- e. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.
- f. Construction, use, and maintenance of the on-site private road or driveway(s).

C. BIOLOGY

- 1. Prior to issuance of grading or construction permits or on the Parcel Map, whichever comes first, the applicant shall:
 - a. Grant to the County of San Diego and the California Department of Fish and Game an open space or conservation easement as shown on the Open Space Exhibit dated May 2, 2006 on file with DPLU as Environmental Review Number 03-20-001. This easement is for the

protection of biological resources including wetlands onsite (Pringle Creek), southern coast live oak riparian forest, coast live oak woodland, coastal sage scrub and southern mixed chaparral and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception(s) to this prohibition is:

- 1) Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts, and any subsequent amendments thereto.

NOTICE: The above gives the applicant the option to voluntarily dedicate a Conservation Easement. Should the applicant choose to dedicate a Conservation Easement (instead of an open space easement) and upon fulfillment of the requirements for permanent mitigation and management of preserved areas as outlined in Section 17.1 (A) of the County's Implementing Agreement for the Multiple Species Conservation Program (MSCP) Plan, Third Party Beneficiary Status can be attained for the project. Third party beneficiary status allows the property owner to perform "incidental take" under the State and Federal Endangered Species Acts, of species covered by the MSCP Plan while undertaking land development activities in conformance with an approval granted by the County in compliance with the County's Implementing Agreement. Should Third Party

Beneficiary Status not be obtained, the applicant will be required to obtain take authorization for the State and Federal listed species covered by the MSCP Plan through the traditional permitting processes administered by the State and Federal Wildlife Agencies.

- b. Grant to the County of San Diego an easement which prohibits the construction or placement of any residence, garage, or other accessory structure designed or intended for occupancy by humans or animals, within those portions of Lots 1 through 4 and the Remainder Parcel as shown on the Open Space Exhibit dated May 2, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-001. The purpose of this easement is to prohibit such structures, because an area containing sensitive biological resources (encumbered by an open space easement) exists adjacent to said area, and the clearing of vegetation or other fuel modification measures which are normally required by fire protection officials within a specified distance of such structures, is potentially damaging to the integrity of those biological resources. The existing single-family residence including any expansions and/or modifications to said structure is permitted within this easement. The easement shall permit the new construction or placement of only the following:
- 1) Decking, fences, and similar facilities.
 - 2) Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
 - 3) Structures located no less than thirty feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing / fuel

modification requirements so that they will not be required within any portion of the biological open space easement.

2. Prior to obtaining any building or grading permit or improvement plans, the applicant shall:

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Temporary fencing is required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. All temporary fencing shall be removed only after the conclusion of such activity. The temporary fencing condition shall be released on a parcel-by-parcel basis.

3. Prior to the approval of grading or improvement plans and prior to the approval of the Parcel Map, the applicant shall:

Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Fencing and Signage exhibit dated March 15, 2004 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-001. Evidence shall include photographs of a sign placed on the project and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant and 6" x 9" minimum in size, on posts not less than 3 feet in height from the ground surface and must state the following:

“Sensitive Environmental Resources
Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref:03-20-001”

4. Prior to occupancy of any dwelling unit and/or the conclusion of any grading activity, permanent fences shall be placed along

Submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that permanent fences or walls have been placed to protect from inadvertent disturbance all open space easement(s) that do not allow grading, brushing or clearing. Permanent fencing or walls are required in all locations of the project as shown in the Open Space Fencing and Signage Exhibit dated March 15, 2004 on file with the Department of Planning and Land Use as Environmental Review Number 03-20-001. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer. Construction materials and fence and/or wall design are subject to approval by the Department of Planning and Land Use. Minimum fence or wall height shall be 4 feet.

5. Cause to be placed on grading and/ or improvement plans and the Parcel Map, the following:

“Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of an occupied nest during the breeding season of raptors. This is defined as occurring between February 1 to June 1. The Director of Planning and Land Use, may waive this condition, through written concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Game, that no raptor nests are present in the vicinity of the brushing, clearing or grading.”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. Fire Protection

Prior to the issuance of a building permit, each Parcel shall have a 10,000 gallon water tank providing 250 gallons per minute for a 40-minute duration and located to the satisfaction of the County Fire Marshal.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. Prior to recordation, a registered civil engineer shall provide a signed statement that: "Physically, there is a minimum of 550' of unobstructed intersectional sight distance looking in both directions from the project entrance along Honey Springs Road; per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved June 30, 1999)." The vegetation/topography currently obstructing the sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." All of the foregoing shall be to the satisfaction of the Director of Public Works.
2. The Parcel Map shall show a minimum 40' wide private road easement from the cul-de-sac in Parcel 4 to Honey Springs Road to include 20' radius corner roundings at the road intersection with Honey Springs Road.
3. The Parcel Map shall show a 44' radius cul-de-sac to the satisfaction of the San Diego Rural Fire Protection District and the County of San Diego, Director of Public Works

4. Offer to dedicate the right-of-way required to complete a thirty-five foot (35') wide, one-half right-of-way on each side of centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for Honey Springs Road. The Parcel Map shall be prepared to show the offer being accepted.
5. Offer to dedicate the right-of-way required to complete a seventy - foot (70') wide, one-half right-of-way width on each side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the seventy -foot (70') limit for that portion within the land division for Honey Springs Road (SA 400), in accordance with Public Road Standards for a Circulation Element Collector Road plus bike lanes. The Parcel Map shall be prepared to show the offer being rejected.
6. Relinquish all access rights into Honey Springs Road except for a 40' opening for the project entrance road and except for a 20' opening at the northwest corner of the Remainder Parcel. All of the foregoing shall be to the satisfaction of the Director of Public Works.
7. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works, to determine the desired location of the centerline for Honey Springs Road (SA400), which is shown on the Circulation Element of the County General Plan as a Collector Road plus bike lanes. The following shall be shown on the Parcel Map:
 - a. The centerline location as approved by the County of San Diego, Department of Public Works.
 - b. The width of the right-of-way which is thirty-five feet (35') from the centerline and is identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening."
 - c. A building line which is sixty-five feet (65') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."

- d. Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-sections sufficient to verify these limits shall be submitted to the County of San Diego, Department of Public Works, for review and approval.
- 8. Lines of inundation to the limits of the 100-year flood along the watercourses, which flow through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - a. The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the inundation limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.
 - b. A flowage easement encompassing the 100-year flood inundation limits above, on the watercourses which flow through the property shall be dedicated to the County of San Diego. This pertains to watersheds having areas of one (1) square mile or more.
- C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS."
 - 1. The to-be-named private easement road from the cul-de-sac in Parcel 4 to Honey Springs Road; shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphaltic concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Roads for one hundred (100) or less trips shall apply. All of the foregoing shall be to the satisfaction of the San Diego Rural Fire Protection District and the Director of Public Works.

2. The cul-de-sac shall be graded to a radius of forty-four feet (44') and improved with asphaltic concrete to a radius of forty-two feet (42'), to the satisfaction of the San Diego Rural Fire Protection District and the County of San Diego, Director of Public Works.
 3. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road and the cul-de-sac, including all slopes, from the cul-de-sac to Honey Springs Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division."
NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
 4. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.
 5. The private easement road serving this project must be named.

Prior to preparation of the Parcel Map, the applicant shall contact the Street Name Unit of the Department of Planning and Land Use, Building Division (858-694-3797) to discuss the road naming requirement for the development. Naming of the road is necessary for the health and safety of present and future residents.
 6. A street name sign with a County approved street name, shall be installed and located at the intersection of the to-be-named private easement road and Honey Springs Road per San Diego County Design Standards DS-13.
- D. For the duration of this project-Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed

Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- E. This subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County of San Diego Subdivision Ordinance, the County of San Diego Public and Private Road Standards and all other required ordinances of San Diego County except for a waiver of County of San Diego Subdivision Ordinance, Section 81.703(a)(1), to improve streets in accordance with San Diego County Standards. This waiver is granted because of the following reasons:

1. There are no curbs, gutters, sidewalks, or road widening improvements in the immediate vicinity and widening the road to ultimate width would be inconsistent with the existing roads in the area.

(This refers to Honey Springs Road.)

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, AICP, Planning Manager
Regulatory Planning Division

JF:FWB:jcr

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